



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 1908 of 2026

Sahab Dai

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Sanjeev Kumar Rai
Counsel for Respondent(s) : C.S.C.

Court No. - 36

HON'BLE ARUN KUMAR, J.

1. Heard Sri Sanjeev Kumar Rai, learned counsel for the petitioner and the learned Standing Counsel for the respondent nos. 1 to 4.
2. The present petition has been filed challenging the recovery certificate dated 10.11.2025 issued by the District Panchayat Raj Officer, Amroha and the recovery citation dated 05.12.2025 issued by the Tehsildar Amroha for recovery of a sum of Rs. 71,664/- as surcharge under Section 27 of the U.P. Panchayat Raj Act, 1947.
3. It is contended by the learned counsel for the petitioner that no proceedings under Rule 256-257 of the U.P. Panchayat Raj Rules, 1947 had been contemplated before issuance of recovery certificate dated 10.11.2025. It is further contended that on the basis of some audit report of the year 2018-19 an outstanding of Rs. 71,664/- is said to be existing against the petitioner, who was the then Gram Pradhan of Gram Panchayat Sondola Faridpur, Block Amroha, District Amroha. He further contends that no notice or opportunity was afforded by the Chief Audit Officer before submitting his report as contemplated under Rule 256 of the Rules of 1947. Submission is that the petitioner was never served with the enquiry report, nor a show cause notice was issued to him at any stage and the entire proceedings being behind the back of the petitioner is unsustainable.
4. The learned Standing Counsel on the other hand has supported the recovery on the petitioner in the proceedings contemplated under Section

27 of the U.P. Panchayat Raj Act, 1947, but could not point out the date of the order of the District Magistrate passed in proceedings under Section 27 of the Act, nor he could refer to any document showing opportunity having been afforded to the petitioner before issuing the recovery certificate.

5. The matter requires consideration.

6. All the respondents are allowed four weeks' time to file counter affidavit. Rejoinder, if any, may be filed within two weeks, thereafter.

7. List immediately thereafter.

8. Till the next date of listing, no coercive action shall be taken against the petitioner in pursuance of the recovery certificate dated 10.11.2025 and the recovery citation dated 05.12.2025.

(Arun Kumar,J.)

January 30, 2026
Ranjeet Sahu